

## **REMARKS**

Claims 15-35 and 48-50 have been withdrawn in accordance with the restriction requirement stated in the August 14, 2003 Office Action and the election of Group I. Claims 51-59 have been added. Claims 1-14, 36-47, and 51-59 are pending in the application. Applicant respectfully requests reconsideration and allowance of the subject application.

### **Allowable Subject Matter**

Applicant acknowledges the Examiner's statement that claims 37, 39 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 37, 39, and 47 have been rewritten in independent form as new claims 51-53, respectively. Applicant respectfully requests the immediate allowance of Claims 51-53.

### **35 U.S.C. § 103**

Claims 1-14, 36, 38 and 40-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,600,496 to Wagner et al. (hereinafter "Wagner") in view of U.S. Patent No. 5,850,249 to Massetti et al. (hereinafter "Massetti"). Applicant respectfully submits that Claims 1-14, 36, 38 and 40-47 are patentable over Wagner and Massetti, alone or in combination.

Claim 1 recites:

A method comprising:  
displaying a television program having an associated channel;  
displaying an interactive television mode indicator if the displayed

television program supports an interactive television mode;  
activating the interactive television mode in response to a request from a viewer of the television program to activate the interactive television mode; and  
updating a channel status list to indicate that the television program is being viewed in the interactive television mode.

Wagner discloses an interactive graphical user interface for a television set-top box. The Office Action admits that Wagner does not disclose updating a list to indicate that an interactive program is being viewed. However, the Office Action argues that Massetti discloses a viewer monitoring system which utilizes an identification code and time stamp to determine what program a user is watching and locally stores the monitoring results. (Office Action, pages 2 and 3).

Massetti describes a receiver monitoring system with local encoding. A statistically selected dwelling (12) is configured with local code inserters (44, 46 and 48), decoders (76, 78 and 80), and a local home unit computer (82). (Massetti, Fig. 1). The local inserters are arranged to inject local codes and time stamps into television channels. (Massetti, col. 7, line 55 to col. 8, line 14). The decoders decode the local codes and time stamps and supply them to the local home unit computer, which monitors the tuning of the television channels. (Massetti, col. 9, lines 57-65).

Even if Wagner can be combined with Massetti, the combination only yields a receiver monitoring system for monitoring the tuning of television channels having a graphical user interface for interactive television programs. However, unlike the method recited in claim 1, the combination does not include the use of a channel status list or updating such a list to indicate that a television program is being viewed in an interactive television mode.

For the reasons stated above, Applicant respectfully submits that claim 1 is patentable over Wagner and Massetti, alone or in combination, and is allowable. Given that claims 2-7 depend from claim 1, claims 2-7 are also allowable for at least the same reasons.

Claim 8 recites:

A method comprising:  
displaying a video program having an associated channel;  
displaying an online video mode indicator if the displayed video program supports an online video mode;  
activating the online video mode in response to a request from a viewer of the video program to activate the online video mode; and  
updating a channel status list to indicate that the video program is being viewed in the online video mode.

As stated above, neither Wagner nor Massetti discloses the use of a channel status list. Wagner and Massetti also fail to disclose updating such a list to indicate that a television program is being viewed in an online video mode. Thus, for the reasons stated above, Applicant respectfully submits that claim 8 is patentable over Wagner and Massetti, alone or in combination, and is allowable. Given that claims 9-14 depend from claim 8, claims 9-14 are also allowable for at least the same reasons.

Claim 36 recites:

An apparatus comprising an interactive television device configured to display a television program, wherein the interactive television device displays an interactive television mode indicator if the displayed television program supports an interactive television mode, the interactive television device activates the interactive television mode in response to a request from a viewer of the television program to activate the interactive television mode, and wherein the interactive television device updates a channel status

list to indicate that the television program is being viewed in the interactive television mode.

As stated above, neither Wagner nor Massetti discloses the use of a channel status list or updating such a list to indicate that a television program is being viewed in an interactive television mode. Thus, for the reasons stated above, Applicant respectfully submits that claim 36 is patentable over Wagner and Massetti, alone or in combination, and is allowable. Given that claims 37-39 depend from claim 36, claims 37-39 are also allowable for at least the same reasons.

Claim 40 recites:

An apparatus comprising:  
a processor; and  
a storage device coupled to the processor and configured to store a television channel status list, wherein the television channel status list maintains a list of television channels for which an interactive mode has been activated, and wherein the storage device receives updates from the processor to add and delete television channels from the interactive mode.

As stated above, Wagner does not disclose storing and updating a television channel status list. Massetti discloses a system for monitoring of the tuning of channels but also does not disclose storing a television channel status list that maintains a list of television channels for which an interactive mode has been activated. Neither Wagner nor Massetti discloses a storage device that stores the television channel status list and receives updates from the processor to add and delete television channels from the interactive mode, as recited in claim 40.

For the reasons stated above, Applicant respectfully submits that claim 40 is patentable over Wagner and Massetti, alone or in combination, and is allowable. Given that claims 41-44 depend from claim 40, claims 41-44 are also allowable for at least the same reasons.

Claim 45 recites:

One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

- display a video program;
- display an interactive video mode indicator if the displayed video program supports an interactive video mode;
- activate the interactive video mode in response to a request from a viewer of the video program to activate the interactive video mode; and
- update a channel status list to indicate that the video program is being viewed in the interactive video mode.

As stated above, neither Wagner nor Massetti discloses the use of a channel status list or updating such a list to indicate that a video program is being viewed in an interactive video mode. Thus, for the reasons stated above, Applicant respectfully submits that claim 45 is patentable over Wagner and Massetti, alone or in combination, and is allowable. Given that claims 46-47 depend from claim 45, claims 46-47 are also allowable for at least the same reasons.

### **New Claims**

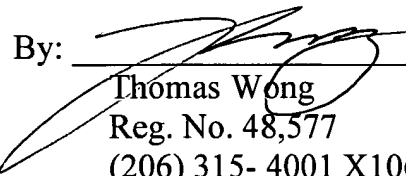
New Claims 51-59 are added herein. Applicant respectfully submits that Claims 51-59 are allowable for at least the reasons discussed above.

**Conclusion**

Claims 1-14, 36-47, and 51-59 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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